

THE CHAIRMAN: Does any delegate desire to speak in opposition to Amendment No. 13?

Delegate Marion.

DELEGATE MARION: Mr. Chairman, the extremely important job of being a commissioner will be a political patronage job only if we treat it as such. Under the present situation they are so treated and as Senator James has so aptly pointed out, it is wrong, and it needs to be reformed.

Under the situation that prevails in the United States District Court, where district court judges appoint United States commissioners, it is not so treated and therefore is not a political patronage job.

It has been said here before that the life of the law is not logic, but experience. The experience in this regard, I submit, is a sorry one. Under the present situation which is essentially what the minority proposes we continue, we have, according to the figures submitted by the Institute for Judicial Administration, which reviewed our state court system, at least 328 committing magistrates in the State of Maryland, excluding Allegany County, for which no figures were available. Of that 328, 200 are in Baltimore County alone. To show you that there is no need for this kind of thing, only 25 are said to exercise the function of their office. The other 175 are what that report describes as "honorary."

I submit we need to change this system and urge defeat of this amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment?

Delegate Siewierski.

DELEGATE SIEWIERSKI: Mr. Chairman, I would like to suggest to the members of the Committee of the Whole what the duties of a commissioner are probably will be set out specifically in the constitution, or they will be assigned specific duties by the court. Hence, they are so-called "assistant judges" or "assistants to the district court judge." They are a separate officer, perhaps a constitutional officer, as recommended by the majority, and also by the minority.

I therefore feel that their selection, be it appointment, election or however you wish to do, should be considered in the same light as the selection of a judge. Here we are having two separate offices. I do not believe there is any direct connection of authority or responsibility between the com-

missioner and the judge himself. There is a responsibility perhaps, between the commissioner and the judicial system, but not directly between the commissioner and the judge.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Hopkins.

DELEGATE HOPKINS: Mr. Chairman, I am becoming quite alarmed by some of the expressions by some delegates that should the judges be selecting the commissioner, they would become dispensers of patronage in a not very flattering sense.

I have respect for the present bench and all future judges, and I submit that in selecting these people to work with them and help carry out the duties of their office that they will do this with great care, and I do not think we should be assuming that they are going to participate in some kind of a greenback operation.

This reminds me a little of the problems we had in the Committee on the Legislative Branch. We did our best to figure out a way to assure the election of the most able legislators possible, and after that and actually following it, we did not want to hamstring them, but wanted things to be as flexible as possible, so they could carry out the responsibilities with which they would be charged.

I feel the same thing applies here. A little later on we will talk about the best way to get the most able judges and having once secured them, I do not think we want to hamstring them. I would think we should let them have as much flexibility as possible in carrying out their very heavy responsibilities, and this would include selecting the personnel to work in their offices.

Therefore, I urge you to vote against the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Mitchell?

DELEGATE MITCHELL: Mr. President, I speak in favor of the amendment. There are other ways to improve the quality of those who serve our courts than by the political patronage, either of political officials or judges. All of us know the quality of the judiciary needs to be improved otherwise we would not have the article that we have before this Constitutional Convention.